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CPA 46
APR 08 2003

PIO/SB 29 (10/00)

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable
 DUPLICATE

Address to:	Attorney Docket No. of Prior Application	514413-3817
Assistant Commissioner for Patents Box CPA Washington, DC 20231	First Named Inventor	Guido BOJACK
	Examiner Name	Lawrence E. Crane
	Group/Art Unit	1623
	Express Mail Label No.	EV 073688648 US

This is a request for a continuation or divisional application under 37 C.F.R. 1.53(d). (continued prosecution application (CPA)) of prior application number 09/526,348, filed on March 16, 2000, entitled **BICYCLIC HETEROCYCLES, PROCESSES FOR THEIR PREPARATION AND THEIR USE AS HERBICIDES AND PHARMACEUTICAL AGENTS.**

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice." Final Rule 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14863 (Mar. 20, 2000), 123 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P- NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- Enter the unentered amendment previously filed on _____ under 37 C.F.R. 1.116 in the prior nonprovisional application.
- A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application. 37 C.F.R. 1.53(d)(4).
 - DELETE** the following inventor(s) named in the prior nonprovisional application:
 - The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed
 - PTO-1449
 - Copies of IDS Citations

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PTO/SB 29 (10.00)

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR. 1.16(c) or (j))	21 - 20* =	1	x \$ 18 =	\$ 18.00
	INDEPENDENT CLAIMS (37 CFR. 1.16(b) or (i))	1 - 3** =	0	x \$ 84 =	0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 280 =	
				BASIC FEE (37 C.F.R. § 1.16)	750.00
				Total of above Calculations =	\$ 768.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent			TOTAL =	\$ 768.00

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27)

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. **50-0320**

- a. Fees required under 37 C.F.R. 1.16.
- b. Fees required under 37 C.F.R. 1.17.
- c. Fees required under 37 C.F.R. 1.18.

8. A check in the amount of \$768.00 is enclosed.

9. Payment by credit card. Form PTO-2038 is attached.

10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. New Attorney Docket Number, if desired

[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
b. Return Receipt Postcard (Should be specifically itemized. See MPEP 503).

13. Other: Petition for three month extension of time with check for \$930.00

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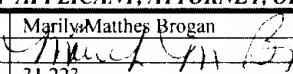
NOTE: *The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.*

14. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	 20999 PATENT TRADEMARK OFFICE	<input type="checkbox"/> New correspondence address below (Insert Customer No. or Attach bar code label here)
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Name	William F. Lawrence FROMMER LAWRENCE & HAUG LLP		
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			Zip Code 10151
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15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Marilyn Matthes Brogan
Signature	
Registration No. (Attorney/Agent)	31,223
Date	April 2, 2003



CERTIFICATE OF MAILING - SEPARATE PAPER - CPA

Applicants : Bojack et al.
Serial No. : 09/526,348
Filed : March 16, 2000
For : BICYCLIC HETEROCYCLES, PROCESSES FOR
THEIR PREPARATION AND THEIR USE AS
HERBICIDES AND PHARMACEUTICAL AGENTS
Examiner : Lawrence E. Crane
Group Art Unit : 1623

Date Mailed : **April 2, 2003** via "Express Mail Label # **EV 073688648 US**

I hereby certify that the Continued Prosecution Application for the above-referenced application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

BOX CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

Edward Nay
(Type/printed name of person mailing paper or fee)


Signature

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